

DEC 05 2003  
U.S. PATENT & TRADEMARK OFFICE

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing  
OR  
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	NESO:009
First Named Inventor	EVANS, Nicholas D.
<b>COMPLETE IF KNOWN</b>	
Application Number	09 / 344,795
Filing Date	June 25, 1999
Art Unit	3621
Examiner Name	Regan, James A.

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ELECTRONIC CUSTOMER SERVICE AND RATING SYSTEM AND METHOD

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 06/25/1999 as United States Application Number or PCT International

Application Number 09/344,795 and was amended on (MM/DD/YYYY) 03/12/2001 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

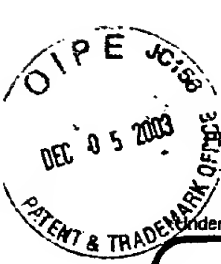


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PTO/SB/01 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/>		Customer Number or Bar Code Label		29395		OR <input type="checkbox"/>		Correspondence address below	
H. Dale Langley, Jr.									
Name The Law Firm of H. Dale Langley, Jr., PC									
Address 610 West Lynn									
City Austin				State Texas		Zip 78703			
Country United States			Telephone (512) 477-3830			Fax (512) 477-4080			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.									
NAME OF SOLE OR FIRST INVENTOR :				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any]) NICHOLAS D.					Family Name or Surname EVANS				
Inventor's Signature <i>N. D. Evans</i>						Date 9/30/02			
Residence: City Highland Village			State Texas		Country USA		Citizenship UK		
Mailing Address 2611 Lake Cove									
City Highland Village			State Texas		Zip 75077		Country USA		
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])					Family Name or Surname				
Inventor's Signature						Date			
Residence: City			State		Country		Citizenship		
Mailing Address									
City			State		Zip		Country		
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.									



Please type a plus sign (+) inside this box → ☐

PTO/SB/81 (02-99)  
Approved for use through 10/31/2002. OMB 0651-0035  
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**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	June 25, 1999
Filing Date	June 25, 1999
First Named Inventor	EVANS, Nicholas D.
Title	Electronic Customer Service and Rating System and Method
Group Art Unit	3621
Examiner Name	Regan, James A.
Attorney Docket Number	NESO:009

OFFICE OF PETITIONS

I hereby appoint:

- ☒ Practitioners at Customer Number  
**OR**  
☐ Practitioner(s) named below:

29395 →

Place Customer  
Number Bar Code  
Label here

Name	Registration Number
H. Dale Langley, Jr.	35.927

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

- ☐ The above-mentioned Customer Number.  
**OR**  
☒ Practitioners at Customer Number  
**OR**

29395 →

Place Customer  
Number Bar Code  
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<input type="checkbox"/> Firm or Individual Name	H. Dale Langley, Jr.				
Address	The Law Firm of H. Dale Langley, Jr., PC				
Address	610 West Lynn				
City	Austin	State	Texas	Zip	78703
Country	USA				
Telephone	(512) 477-3080	Fax	(512) 477-4080		

I am the:

- ☒ Applicant/Inventor.  
  
☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

**SIGNATURE of Applicant or Assignee of Record**

Name	NICHOLAS D. EVANS
Signature	<i>N. D. Evans</i>
Date	9/30/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

☐ Total of \_\_\_\_\_ forms are submitted.



PATENT  
NESO:009

#11  
7-0204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Nicholas D. Evans

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Group Art Unit: 3621

Filed: Jun 25, 1999

3

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Serial No.: 09/344,795

3

Examiner: Reagan, James A.

3

For: ELECTRONIC CUSTOMER  
SERVICE AND RATING  
SYSTEM AND METHOD

3

3

3

Mail Stop – Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this document and any attachments is being deposited with the United States Postal Service on December 1, 2003, as First Class Mail, postage paid under 37 C.F.R. 1.8, in an envelope addressed to: Mail Stop – Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Carol Cates

**DECLARATION OF NICHOLAS D. EVANS**  
**UNDER 37 CFR 1.131**

The undersigned declarant states the following:

1. All statements herein made of my own knowledge are true and all statements herein made on information and belief are believed to be true.

2. I am over the age of 21 and am competent to make this declaration.

3. I am the sole and first inventor of the inventions claimed in U.S. Patent Application No. 09/344,795 (the "Application").

4. I first conceived the inventions claimed in the Application prior to February, 1999. Copies of my website incorporating the inventions claimed in the Application are attached as drawings to the Application, this website was publicly available at least as early as April 9, 1999.

5. Upon conception, I diligently acted to reduce to practice the inventions claimed in the Application.

PATENT  
NESO:009

6. I reviewed my files and my computer programming and have determined that, at least as early as February, 1999, I began actual code writing to reduce to practice the inventions claimed in the Application.

7. I completed reduction to practice of the inventions claimed in the Application at least as early as April 9, 1999.

8. On April 9, 1999, a press release was published and widely distributed of the form attached as Annex I, announcing my launch of a business and systems and methods for that business, that are covered by inventions claimed in the Application.

9. At least as early as April 9, 1999, my business and systems and methods for that business covered by inventions claimed in the Application, were made publicly available.

I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Nicholas D. Evans  
Nicholas D. Evans